

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HAL HUTCHINGS, ET AL.	§	
	§	
v.	§	
	§	
UNITED PARCEL SERVICE, INC., and ALBERT RAY SMITH	§	Case No. 2:13-CV-246-JRG
	§	
	§	
Defendants.	§	

**VERDICT FORM**

Your answer to the following questions must be unanimous. In answering these questions, you are to follow all of the instructions you have been given in the Court's Charge. After answering these questions, your Foreperson should sign and date the form as indicated below.

**QUESTION 1**

Did the negligence, if any, of the persons named below proximately cause the occurrence in question?

Answer "Yes" or "No" for each of the following:

a. Albert Ray Smith

Yes

b. Michael Hutchings

Yes

If you answered "Yes" to Question 1 for either one of those persons named in Question 1, then answer Question 2. Otherwise, do not answer Question 2. In answering Question 2, you should assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. In other words, if you answered "no" for any person in Question 1 you must enter a zero as to that person in Question 2. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found.

## **QUESTION 2**

For each person you found caused or contributed to cause the occurrence, find the percentage of responsibility attributable to each:

a. Albert Ray Smith 25 %

b. Michael Hutchings 75 %

Total 100 %

Answer each portion of Question 3 (Questions 3A-3D) if you answered “Yes” as to Albert Ray Smith in Question 1 and answered 50% or more as to Albert Ray Smith in Question 2. Otherwise, do not answer Questions 3A-3D.

**QUESTION 3**

What sum of money, if paid now in cash, would fairly and reasonably compensate Hal Hutchings and Dona Hutchings for their damages, if any, resulting from the death of Michael Hutchings? Consider the elements of damages listed below and none other.

In determining damages for Questions 3A, 3B, 3C, and 3D, you may consider the relationship between Michael Hutchings and his parents, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities. Consider each Question separately. Do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer each portion of Question 3 (Questions 3A-3D) separately, and answer in dollars and cents. Do not reduce the amounts, if any, in your answers because of the negligence, if any, of Michael Hutchings. Any recovery will be determined by the Court when it applies the law to your answers at the time of judgment.

Question 3A:

Loss of companionship and society sustained in the past by:

Hal Hutchings

Answer: \$ \_\_\_\_\_

Dona Hutchings

Answer: \$ \_\_\_\_\_

“Loss of companionship and society” means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Hal Hutchings and Dona Hutchings, in reasonable probability, would have received from Michael Hutchings had he lived.

Question 3B.

Loss of companionship and society that, in reasonable probability, will be sustained in the future by:

Hal Hutchings

Answer: \$ \_\_\_\_\_

Dona Hutchings

Answer: \$ \_\_\_\_\_

Question 3C:

Mental anguish sustained in the past by

Hal Hutchings:

Answer: \$ \_\_\_\_\_

Dona Hutchings:

Answer: \$ \_\_\_\_\_

“Mental anguish” means the emotional pain, torment, and suffering experienced by Hal Hutchings and Dona Hutchings because of the death of Michael Hutchings.

Question 3D:

Mental anguish that, in reasonable probability, will be sustained in the future  
by

Hal Hutchings:

Answer: \$ N/R

Dona Hutchings:

Answer: \$ N/R

Signed this 12<sup>th</sup> day of June, 2014.

**SIGNATURE OF JURY FOREPERSON**

**PRINTED NAME OF JURY FOREPERSON**